

**ZONING BOARD OF APPEALS
MEETING MINUTES**

AUGUST 7, 2006

PRESENT: Robert Palozej, Acting Chairman; William Harford and Alternates Robert Wambolt and Ronald Stomberg

ABSENT: Mary Cardin, Kenneth Braga, Mark Spurling, Aaron Rossow and Alternate Joseph Snyder

STAFF

PRESENT: Lisa Houlihan, ZEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Commissioner Palozej called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200610—William Keohane for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a front yard setback from 35' to 26'; side yard setbacks (north & south) from 10' to 0'; rear yard setback from 10' to 5.5'; and to increase building coverage to 31% for an addition including decks on property located at 42 Aborn Road, APN 149-091-0000 in an A Zone.

TIME: 7:04 p.m.

SEATED: R. Palozej, W. Harford, R. Wambolt and R. Stomberg

Acting Chairman Palozej noted that the applicant submitted a letter withdrawing his application.

MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO ACCEPT THE WITHDRAWAL OF #V200610—WILLIAM KEOHANE.

2. #V200614—Rodger & Susan Hosig for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a front yard setback from 35' to 4', for a side yard setback from 10' to 3' and building coverage from 20% to 31.6% for construction of a house on property located at 4 Lake Lane, APN 149-056-0000 in a LR Zone.

TIME: 7:05 p.m.

SEATED: R. Palozej, W. Harford, R. Wambolt and R. Stomberg

Jay Ussery, J.R. Russo & Associates, came forward to present the proposal of the revised plan. He explained that all requested variances have been significantly decreased in order to address the board's concerns, noting that the revised plan has reduced the lot coverage from 31+% to just over 25%; current coverage in just over 23%. He reviewed each variance request.

Mr. Ussery stated that the 6,000 square foot lot was created in 1913 or 1914 and that today's zoning requirements are restrictive to that lot. Commissioner Wambolt stated that the lots around the lake were created for cottages and were not meant for large homes. Mr. Ussery stated that the applicants have owned the property for many years and the proposal is in keeping with the neighborhood.

Acting Chairman Palozej noted the WPCA's comment. Lisa Houlihan stated that the issue could be resolved prior to a zoning permit being issued.

MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200614—RODGER & SUSAN HOSIG.

Commissioner Wambolt noted the applicant efforts to address the board's concerns.

MOVED (PALOZEJ), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATIONS & CONDITION A FRONT YARD SETBACK FROM 35' TO 10' (ORIGINAL REQUEST WAS TO 4'); A SIDE YARD SETBACK FROM 10' TO 5.4' (ORIGINAL REQUEST WAS TO 3'); A SIDE YARD SETBACK FROM 10' TO 9.8' (ORIGINAL REQUEST WAS TO 3'); BUILDING COVERAGE FROM 20% TO 25.8% (ORIGINAL REQUEST WAS TO 31.6%) FOR CONSTRUCTION OF A HOUSE ON PROPERTY LOCATED AT 4 LAKE LANE, APN 149-056-0000 IN A LR ZONE, #V200614— RODGER & SUSAN HOSIG.

CONDITION: WPCA CONCERNS MUST BE ADDRESSED

HARDSHIP: LOT SIZE, LOT CONFIGURATION & LOT PREDATES ZONING REGULATIONS

3. #V200616—Gene & Sue Sheehan for a variance to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a side yard setback from 15' to 0' for a 10'x14' shed on property located at 75 Muddy Brook Road, APN 089-015-0000 in a AA Zone.

TIME: 7:27 p.m.

SEATED: R. Palozej, W. Harford, R. Wambolt and R. Stomberg

Lisa Houlihan explained that all four members present would have to vote affirmatively in order for the request to be approved. Gene Sheehan, applicant, agreed that he wanted to move forward with the hearing with the current compliment of members. Ms. Houlihan explained how this application came before the board.

Mr. Sheehan explained that he received permits for a pool and shed in 2004. He stated that he used the plot plan from LaCava, who built the home. Roman Dutkewych, Mr. Sheehan's neighbor, called him and told him that he had the property line surveyed and requested that the shed be moved because it was almost on the property line. Mr. Sheehan handed out pictures of the shed and surrounding yard to the board members. Mr. Sheehan stated he thought the shed was installed within the regulations.

Acting Chairman Palozej asked who approved the shed location. Ms. Houlihan explained that the side yard setback for this property is 15' and it appears that a previous ZEO made an error in issuing the permit at 12', noting that a large portion of residentially zoned property has a 10' side yard.

Roman Dutkewych, 77 Muddy Brook Road, stated that he submitted a complaint to the ZEO regarding the close proximity of the shed to his property line. He explained that if the Sheehans would have requested a variance before the shed was installed, he would have been against it. Mr. Dutkewych noted that Mr. Sheehan does not have a hardship just because he did not know where the property line was. He noted that the plan Mr. Sheehan submitted to the Town and what is on site is two different things.

Sue Sheehan stated that there is no place to move the shed because of a retaining wall, pool fence and leaching fields.

Two other abutters were present to speak to the application for the variance.

MOVED (HARFORD), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200616—GENE & SUE SHEEHAN.

Acting Chairman Palozej stated that the application should be approved noting that the shed had been there for 2 years and fits within the neighborhood. Commissioner Harford stated that he was undecided, but he noted that the pictures make it appear that the shed can be moved. Commissioner Wambolt stated that the applicant made no effort to move the shed any distance. Acting Chairman Palozej noted that the hardship would be that the topography would have to change.

MOVED (PALOZEJ), SECONDED (STOMBERG) AND FAILED (AYES: STOMBERG, PALOZEJ, HARFORD; NAY: WAMBOLT) TO RE-OPEN THE PUBLIC HEARING FOR #V200616—GENE & SUE SHEEHAN.

Commissioner Wambolt noted that the hardship was self-imposed. Acting Chairman Palozej reiterated that the shed has been in place for 2 years. Commissioner Wambolt noted that although the applicant did not intend to violate the regulation, it is being violated and noted the homeowners' responsibility to know where their properties lines are and the right the neighbor has to protect his property rights.

MOVED (WAMBOLT), SECONDED (HARFORD) AND FAILED (AYE: PALOZEJ; NAYS: WAMBOLT, HARFORD, STOMBERG) TO APPROVE A SIDE YARD SETBACK FROM 10' TO 0' FOR A 10'X14' SHED ON PROPERTY LOCATED AT 75 MUDDY BROOK ROAD, APN 089-015-0000 IN AN AA ZONE, #V200616—GENE & SUE SHEEHAN.

HARDSHIP: NONE—SELF IMPOSED

4. #V200617—Sylvie Nadeau for a variance to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a side yard setback from 10' to 2' for a 28'x14' detached garage on property located at 35 Charter Road, APN 019-159-0000 in an A Zone.

TIME: 8:23 p.m.

SEATED: R. Palozej, W. Harford, R. Wambolt and R. Stomberg

Rachel Dearborn, Landmark Surveys, came forward to explain the request for a side yard setback from 10' to 2' for a detached garage. She noted that the garage itself would be 3' from the property line, but that they are requesting a variance to 2' to allow for the roof overhang. Ms. Dearborn explained that the front yard is level, but the back yard is steep and water collects in the back yard. She submitted a letter of support from the neighbor that shares the property line.

Acting Chairman Palozej asked if the garage could be any farther from the property line. Ms. Dearborn replied that due to the steep slope in the back yard and the turning radius needed, it would not be possible. Commissioner Wambolt noted that the back yard could be filled and Sylvie Nadeau, applicant, replied that it would take a lot of fill. Acting Chairman Palozej asked why it couldn't be an attached garage. Ms. Nadeau explained that it would block the oil fill and the access to the hatchway. Ms. Houlihan asked about reducing the size and was told that the width could not be reduced because Ms. Nadeau would need to be able to open the car door.

MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200617—SYLVIE NADEAU.

MOVED (PALOZEJ), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE A SIDE YARD SETBACK FROM 10' TO 2' FOR A 28'X14' DETACHED GARAGE ON PROPERTY LOCATED AT 35 CHARTER ROAD, APN 019-159-0000 IN AN A ZONE, #V200617—SYLVIE NADEAU.

HARDSHIP: TOPOGRAPHY & LOT CONFIGURATION

IV. UNFINISHED BUSINESS: NONE

V. NEW BUSINESS: NONE

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the July 10, 2006 Meeting Minutes

MOVED (WAMBOLT), SECONDED (PALOZEJ) AND PASSED UNANIMOUSLY TO APPROVE THE JULY 10, 2006 MEETING MINUTES.

2. Correspondence:
 - a. Letter to Robert Wambolt & Robert Sanville from Robert Phillips, dated 7/19/06 (97 & 104 Webster Road)

SO NOTED.

VII. ADJOURNMENT:

**MOVED (WAMBOLT), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 8:48 PM.**

Respectfully Submitted,

Reanna Goodreau
Recording Secretary